

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Aaron Thomas Mitchell,

Defendants.

CR 22-01545-TUC-RM (EJM)

**SCHEDULING ORDER**

**AND**

**ORDER CONTINUING TRIAL DATE  
AND PLEA DEADLINE**

This case is presently set for trial on July 5, 2023. The Defendant filed a motion to continue and, for the reasons set forth therein, additional time is required to adequately prepare for trial. The Government has no objection to a continuance.

The Court finds the ends of justice served by granting a continuance outweigh the best interests of the public and the Defendant in a speedy trial because, for the reasons set forth in the motion, failure to grant the continuance is likely to result in a miscarriage of justice if the Defendant is required to go to trial on the present trial date.

This is the **fifth** motion to continue trial filed in this case; accordingly, the Court issues this Scheduling Order to ensure the prompt disposition of this matter.

**IT IS ORDERED** the following deadlines shall govern this action:

1. **The plea deadline is August 18, 2023 by 3:00 p.m.** The Court has the discretion to reject any plea entered into post-deadline, except a plea to the Indictment.
2. **The trial date is September 6, 2023 at 9:30 a.m.**
3. Should the Defendants elect to proceed to trial:

1 (a) All pretrial motions, except motions *in limine*, are referred to the  
2 magistrate judge with a Report and Recommendation (R&R) to be provided to the district  
3 judge.

4 (b) Deadlines for filing proposed voir dire, jury instructions, list of  
5 witnesses, list of exhibits, and motions *in limine* will be set by future order of this Court.

6 **4. The discovery/disclosure/notice/request deadline is July 4, 2023 for the**  
7 **following:**

8 (a) All requests for disclosure. Disclosure pursuant to such a  
9 request shall be made within **seven (7)** days of the request.

10 (b) The filing by the Government of a notice of its intent to use specified  
11 evidence or statements at trial (e.g., Notice of Intent to Use Fed.R.Evid. 404(b) Evidence,  
12 Notice of Intent to Use Statement, Notice of Intent to Use Expert Testimony). If such a  
13 notice is filed, the Government shall also disclose such evidence or statements within  
14 **fourteen (14)** days of the filing of the notice.

15 (c) The filing of any required notices of defenses. If such a notice is filed,  
16 the Government shall provide the responsive disclosure within **fourteen (14)** days of the  
17 filing of the notice.

18 d) A request for a written summary of any expert testimony the Government  
19 or the Defendant intends to use at trial, which summary shall be disclosed  
20 produced within **seven (7)** days of the request.

21 **5. The pretrial motions deadline is July 18, 2023.** Pretrial motions filed,  
22 thereafter, without leave of the Court upon a showing of good cause, shall be subject to  
23 being stricken and precluded.

24 6. Any motion to continue the trial date and/or plea deadline that is granted by the  
25 Court **DOES NOT EXTEND** the deadline set herein for filing pretrial motions. This  
26 matter is referred to the magistrate judge to set and hold a Status Conference.

27 **7. Any motion or stipulation to continue the scheduled trial date and change**  
28 **of plea deadline shall be filed with the Clerk of the Court no later than 5:00 p.m. on**


1 **Monday, August 21, 2023. Alternatively, by that same deadline, if after consultation**  
2 **between government and defense counsel it is determined that a motion to continue**  
3 **the scheduled trial date and change of plea deadline will not be filed, government**  
4 **counsel shall notify the Court by an email, to the chambers email address, that the**  
5 **case and counsel are ready to proceed to trial on the scheduled trial date. The**  
6 **notification shall also include the estimated number of trial days needed to complete**  
7 **the trial.**

8 8. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on  
9 July 6, 2023 and end on September 6, 2023. Such time shall be in addition to other  
10 excludable time under the Speedy Trial Act and shall commence as of the day following  
11 the day that would otherwise be the last day for commencement of trial.

12 9. Any and all subpoenas previously issued shall remain in full force and effect  
13 through the new trial date.

14 Dated this 20th day of June, 2023.

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Honorable Rosemary Márquez  
United States District Judge